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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,859	10/31/2003	Howard W. Lutnick	02-1078	5126
63710 7590 07/29/2010 INNOVATION DIVISION CANTOR FITZGERALD, L.P. 110 EAST 59TH STREET (6TH FLOOR) NEW YORK, NY 10022				
EXAMINER				
ALL HATTEM				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/699,859

Applicant(s)

LUTNICK ET AL.

Examiner

HATEM ALI

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2010 and 30 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-11, 20 and 31-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 8-11, 20 and 31-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a **Non-Final Office Action** on merits in response to a communication received on **11/25/10** and **4/30/10**.

Acknowledgement

2. Claim **status**:

- ❖ Claims **amended**: **1-7, 9-11, and 20**
- ❖ Claims **newly added**: **31-49**
- ❖ Claims **cancelled**: **8, 12-19 and 21-30**
- ❖ **Pending** claims: **1-7, 9-11, 20, and 31-49**

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1-7, 9-11, 20 and 31-49** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically in **claims 1 and 35**, the recitations "a display device that simultaneously displays a plurality of quadrants in a single viewing region", are not

found in specification or in original claims. Therefore, the citations are treated as new matters.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-7, 9-11, 20 and 31-49** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fraser** et al (5,95,94) in view of **Kirwin** et al (2002/0029180), **Sweeting** (2006/0229967) and **Kemp** et al (7,389,268).

As per claims 1 and 35, Fraser discloses an apparatus/method comprising:

[a display device that simultaneously displays a plurality of quadrants in a single viewing region, in which each quadrant displays a benchmark issue and a plurality of non-benchmark issues related to the benchmark issue ;]

a keyboard that comprises (See **Fig.13A,B,C, pre-programmed**):

(1) a first plurality of keys, in which a first key of the first plurality of keys corresponds to a first benchmark issue and a second key of the first plurality of keys corresponds to a second benchmark issue; (2) a second plurality of keys, in which each key of the second plurality of keys is used to place an order for a non-benchmark issue; and

a processor (see Fig. 1 -11) that is coupled to the display device, the keyboard and a memory, in which the memory stores instructions which, when executed by the processor, direct the processor (see Fig. 1 -11) to:

in response to the first key being pressed, direct the display device to display:

(1) select a first quadrant that displays the first benchmark issue; (2) map the second plurality of keys such that each key of the second plurality of keys corresponds to a non-benchmark issue that is related to the first benchmark issue; and (3) place an order for the non-benchmark issue in response to one of the second plurality of keys being pressed; in response to the second key being pressed after the first key was pressed, direct the display device to: (1) switch, from the first quadrant, to select a second quadrant that displays the second benchmark issue; and (2) re-map the second plurality of keys such that each key of the second plurality of keys corresponds to a non-benchmark issue related to the second benchmark issue that is displayed in the second quadrant (see Fig. 1-11 and col. 2+; via programmed and customized key board and displays for efficiently trading).

Fraser did not explicitly disclose a display device that simultaneously displays a plurality of quadrants in a single viewing region, in which each quadrant displays a benchmark issue and a plurality of non-benchmark issues related to the benchmark issue.

However, **Kirwin** being in the same field of invention discloses a display device that simultaneously displays a plurality of quadrants in a single viewing region, in which each quadrant displays a benchmark issue and a plurality of non-benchmark issues

related to the benchmark issue (Abstract, Fig. 1-5, para 0023-0052+; via configurable trading interfaces, trading quickly and easily, dialog window 200, to select a quadrant of the screen, market cell menu 506, various features [implied benchmark, non-benchmark issues])

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the disclosure of **Fraser** to include the features as taught by **Kirwin** to facilitate a trader to quickly and easily submit trading commands with various display features and default command settings to protect against inadvertent entry of incorrect trading commands efficiently.

As per claim 2, **Fraser** did not explicitly disclose the apparatus of claim 1, in which the keyboard comprises: a price improvement key improves a market price for the selected non-benchmark issue and places the order with the improved market price in advance of other orders in a trading stack.

However, **Sweeting** being in the same field of invention discloses the apparatus of claim 1, in which the keyboard comprises: a price improvement key improves a market price for the selected non-benchmark issue and places the order with the improved market price in advance of other orders in a trading stack.

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the disclosure of **Fraser** to include the features as taught by **Kirwin** to facilitate the display to indicate to other traders that price improvement is occurring and traders can submit orders for improving the price [implied related to customized related keys].

As per claim 3, Fraser discloses the apparatus of claim 1, in which the keyboard comprises:

a key that provides direct dealing functionality (**Figs 3A-3B**; via Four keys in column can be preprogrammed to match or complement issue keys).

As per claims 4-7, Fraser discloses the apparatus of claim 1, in which the processor is further configured to:

direct the display device to display information for each of the non-benchmark issue in the selected first quadrant, in which the selected first quadrant is a Treasury swaps trading quadrant includes at least three of the most recent benchmark issues, in which the selected first quadrant is an off-the-run trading quadrant (**Fig. 1-11, col.2-10+**; via Plurality of workstations **10**, servers **20, 30, 40** with display devices for trading quadrants and benchmark issues as programmed).

Claim 8 (Cancelled).

As per claims 9-11, Fraser discloses the apparatus of claim 4, in which the selected first quadrant is a yield curve, a basis and a limit order trading quadrants (**Fig. 1-11, col.2-10+**; via Plurality of workstations **10**, servers **20, 30, 40** with display devices as programmed for a yield curve, a basis and a limit order trading quadrants).

Claims 12-19 (Cancelled).

As per claim 20, Fraser discloses the apparatus of claim 1, in which the processor is further configured to:

receive real-time direct dealing content related to the non-benchmark issue and trading information related to the non-benchmark issue, in which the direct dealing content comprises at least one of: a request a quote, a response with a price, a cancel to a response, an amend a response, and an accept a response, and in which the trading information comprises limit order data for the non- benchmark issue.

Claims 21-30 (Cancelled).

As per claims 31-34, (New), Fraser did not explicitly disclose the apparatus of claim 20, in which the **processor** is further configured to: simultaneously display in the first quadrant: the trading information related to the non-benchmark issue; and a ticker that displays the received real-time direct dealing content related to the non-benchmark issue, receive a midprice order to buy or sell the non-benchmark issue at a price within a spread market; and update the direct dealing content in the ticker to include the midprice order to buy or sell the non-benchmark issue, in which the ticker includes at least one request and response that includes an orientation and a size.

However, **Kemp** being in the same field of invention discloses the apparatus of claim 20, in which the **processor** is further configured to: simultaneously display in the first quadrant: the trading information related to the non-benchmark issue; and a ticker that displays the received real-time direct dealing content related to the non-benchmark issue, receive a midprice order to buy or sell the non-benchmark issue at a price within a spread market; and update the direct dealing content in the ticker to include the midprice order to buy or sell the non-benchmark issue, in which the **ticker** includes at

least **one** request and response that includes an orientation and a size (**Abstract, Figs. 1-22** and **para 3+**; via different prices, responses, tickers etc.).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the disclosure of **Fraser** to include the features as taught by **Kemp** to facilitate for computing a specific price to a second display region [quadrants/panes] with with tick, limit order, mid point price, orientation etc.)

Claims 36-44 (new) are rejected as per the reasons set forth in claims 2-11

Claims 45 (new) is rejected as per the reasons set forth in claim 20

Claims 46-49(new) are rejected as per the reasons set forth in claims 31-34

Response to Arguments

7. Applicant's arguments with respect to **claims 1-7, 9-11, 20 and 31-49** have been considered but are **moot** in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Silverman et al (6,625,583) discloses Handheld Trading System Interface.

Wiseman (5,168,446) discloses Processing Spot Commodity Transactions.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HATEM ALI whose telephone number is (571)270-3021.

and FAX (570)-270-4021 [Only Cc to Examiner]. The examiner can normally be reached on 8.00 to 6.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ALEXANDER KALINOWSKI can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HATEM ALI
Examiner
Art Unit 3691

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691